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The Violent State

The War Over Iraq:
Saddam's Tyranny and America's Mission

LAWRENCE F. KAPLAN AND WILLIAM KRISTOL
ENCOUNTER BOOKS, 2003
X + 153 PGS.

This book frightens me. The authors do not confine themselves to a justification of the American invasion of Iraq, which began shortly after their book was published. They offer a plan by which this war is but the first of many that the United States is to undertake. For Messrs. Kaplan and Kristol, "perpetual war for perpetual peace" is not a mocking comment but rather a slogan to be embraced with fervor.

But why be frightened? If these authors have objectionable ideas, let us endeavor to respond: but why go beyond that? Unfortunately, what we have here is not simply the ravings of two armchair generals. The authors speak for an influential group within the government, and the war with Iraq has begun to put their sinister designs into practice.

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The group in question assumed a dominant influence over American foreign policy during the current administration. Kaplan and Kristol view with disdain the foreign policies of the elder George Bush and Bill Clinton, for reasons that will soon become apparent. At first, the younger Bush seemed no more promising: "Indeed, for all his evocations of Reagan, it appeared that Bush's approach would amount to nothing more than a variation of old-world *realpolitik*. . . . Bush's choice of senior foreign policy aides only bolstered that impression" (pp. 68–69). Bush's secretary of state, Colin Powell, particularly upsets our authors: for them, he is a veritable pacifist. He initially, *horribile dictu*, opposed the first Gulf War. Condoleezza Rice "espoused an unsentimental brand of *realpolitik*" (p. 69); she too does not fit in with the New Order.

Fortunately, "Bush . . . also appointed several American internationalists to prominent posts in his administration" (p. 69). The authors single out for praise Donald Rumsfeld and his deputy, Paul Wolfowitz; I strongly suspect that they are personally close to Wolfowitz and faithfully reflect his views. I propose to examine these views, but in a different order from that adopted in the book. First, the general principles that the authors believe should govern American foreign policy will be presented, with appropriate expressions of horror. After this, I shall look at their views on Iraq. (Readers who cannot wait will get a good preview of what is in store if they read Washington's Farewell Address, negating every prescription of policy it contains.)

Kaplan and Kristol's views can best be considered by first having a look at the doctrine they are most anxious to reject. By the end of the cold war, a realist theory of foreign affairs, whose principal theorist was Hans Morgenthau, had largely replaced the global crusading beloved of our authors. The realists favored working within the balance-of-power tradition of European diplomacy. "This in turn led to the realists' key recommendation: A state must limit itself to the protection of its 'vital interests,' lest it disrupt the balance of power" (p. 46).

In my own view, and I hope that of my readers, Washington was right: we should avoid altogether meddling in power politics. But if one insists on an interventionist foreign policy, the realist position seems mandated by common sense. Should not any intervention be assessed with care, weighing costs against benefits? In particular, should not policymakers beware of ideologies that require remaking the

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world according to a Utopian plan? "Morgenthau condemned the effort to apply a nation's principles abroad as itself evidence of 'immorality,' neatly exemplified 'in the contemporary phenomenon of the moral crusade'" (p. 46).

This sentiment almost induces apoplexy in our authors. A foreign policy realist will not hesitate to ally, if need be, with an undemocratic state, but this strikes at the heart of Kaplan and Kristol's ideas. The key to their approach is that America should embark on a worldwide crusade for democracy. To do so, they claim, will result in a world at peace.

They contend that the "strategic value of democracy is reflected in a truth of international politics: Democracies rarely, if ever, wage war against one another" (p. 104). Given this premise, is not the conclusion obvious? We have only to establish democracy everywhere and the millennium is at hand.

But why accept the premise? Our authors appeal to Kant: "[When] the consent of citizens is required to decide whether or not war should be declared, it is very natural that they will have a great hesitation in embarking on so dangerous an enterprise" (p. 105, quoting Kant).

Kant's point gives our authors no help. In modern "democracies," the executive usually decides unilaterally on military action: I do not recall, e.g., that a declaration of war from Congress, much less a popular referendum, preceded our crusade against Hitler *redivivus*, Saddam Hussein. Further, Kant here says nothing about our author's claim, viz., that democracies are unlikely to do battle with other democracies. He is making a general claim that democracies are less bellicose than other regimes: one has only to glance at a list of modern wars to see that the claim is false.

But perhaps our authors can do better than Kant. Is it not simply a well-confirmed fact that democracies do not fight one another but settle disputes peacefully? Our authors do not cite the Yale political scientist Bruce Russett, but he, among others, has published

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data that purport to establish this "fact" as ironclad.[1] (By "democracy" in the following I mean, roughly, "a representative government with some civil liberties.")

I do not think it wise to use this alleged fact as a basis for policy. Until the twentieth century, very few democracies existed, and generalizations about their behavior seem unlikely to prove robust. If the few democracies that have so far existed have not gone to war with each other, why does it follow that a world transformed into democratic states would be likewise pacific? Would, e.g., the conflicts between Israel and the Arab states go away if all the regimes in question became democratic?

I have not chosen this example at random. Kaplan and Kristol find lacking all of the political systems of the Arab world, and they propose to replace them: "There is today not a single Arab state that qualifies as a democracy. . . . But promoting democracy in the Middle East is not a matter of national egoism. It has become a matter of national well-being, even survival" (p. 101).

In particular, the royalist government of Saudi Arabia must go. Why not replace it as American ally with a democratic Iraq? "Iraq's experience of liberal democratic rule in turn could increase the pressure already being felt by Teheran's mullahs. . . . Iraq could even replace Saudi Arabia as the key American ally and source of oil in the region" (p. 99). What a wonderful confirmation of the authors' thesis we have had since their book was published! Even the most cynical isolationist can see with his own eyes how gladly the Iraqi people have welcomed the armies of democratic liberation.

What a wonderful confirmation of the authors' thesis we have had since their book was published!

Let us, though, grant our authors their thesis: a world of democracies would be a world at peace. Does it then follow that we ought to endeavor to topple authoritarian governments, in order to secure peace? What happens if the attempts to impose democracy fail? Kaplan and Kristol have the nerve to cite Woodrow Wilson on the need for a world of democratic states. Evidently they do not know, or choose to ignore, the fact that Wilson's demand that the German monarchy be abolished as a condition for negotiating an armistice in November, 1918, led to political

[1]See his *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, N.J.: Princeton University Press, 1995). Oddly, Russett's earlier study, *No Clear and Present Danger: A Skeptical View of the U.S. Entry into World War II* (New York: Harper and Row, 1972) is an excellent defense of American isolationism.

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chaos. The result of Wilson's meddling was not a stable democratic system, but rather, in a mere 15 years, the onset of the Nazi regime and its Führer.

The Kaplan-Kristol thesis is vulnerable at yet another point, and this a very obvious one. The world contains many nondemocratic governments, few of which are likely to depart the scene voluntarily. The proposal to fill the world with democratic states is a recipe for a long series of wars. Our authors are fully aware of this, and welcome the consequence; but I cannot think those who do not share their bloodthirsty proclivities will agree.

Our authors must be rubbing their hands with delight at the incendiary potential of their policy.

Pending the arrival of a democratic world, America faces immediate problems, and our authors have suggestions, of a quality similar to their long-term plans, to deal with them. Several nations somehow fail to see the United States as the source of enlightened guidance and cast hostile glances at us. What is worse, they possess nuclear weapons or other dangerous devices that could harm us. (Or at least, as with Iraq, they may, for all we know, have weapons fit only for our friends and us.)

What is to be done? To our authors, the answer is obvious: we should launch preemptive attacks on these countries. Do we not have a moral right to defend ourselves against those who menace us? Must we wait until they strike an initial, and possibly fatal, blow against us? "In international law, in international practice and in American history, there is ample precedent for the doctrine of preemption. . . . The origins of this concept date back to the father of international law, Hugo Grotius, who in the seventeenth century wrote, 'It be lawful to kill him who is preparing to kill'" (p. 85).

Our authors here confuse two very different situations. To strike at someone who is about to strike you is one thing: to attack him on the ground that he has—or might have—weapons that in the future might be used against you is another matter altogether. Once more, our authors have advanced a policy that leads to perpetual war.

Further, suppose the United States did follow the doctrine of preemption. Would not a nuclear power on bad terms with the United States have strong reason to think the United States would attempt a preemptive strike against it? If so, would it not have good reason to strike at us first? Our authors must be rubbing their hands with delight at the incendiary potential of their policy.

Is there not a further danger in our authors' plans? They would have us preemptively strike various powers, as

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we attempted to build a world of democracies under our hegemony. Would not other states, assuming they escaped our nuclear wrath, come to resent us? The plans of our authors seem likely to provoke a worldwide coalition against us.

Kaplan and Kristol dissent. Other nations, they think, will be quick to fall in line behind America's leadership. They had better: otherwise, we will zap them. "To be sure, those regimes that find an American-led world order menacing to their existence will seek to cut away at American power. . . . None of this, however adds up to a convincing argument against American preeminence . . . it is doubtful that any effective grouping of nations is likely to emerge to challenge American power. Much of the current international attack against American 'hegemonism' is posturing" (pp. 121–22).

But a doubt remains. Even if one is of the devil's party and thinks their scheme for American empire desirable, would not these plans impose a crushing burden on us? How can we possibly afford to subdue country after country in war? Spoilsport that I am, I have conjured up an imaginary difficulty. "Still, the task of . . . creating a force that can shape the international environment today, tomorrow and twenty years from now is manageable. It would probably require spending about $100 billion per year above current defense budgets. This price tag may seem daunting, but in historical terms it represents only a modest commitment of America's wealth" (p. 123). If this requires a socialized and militarized economy, who cares? We will make the world safe for democracy, just as Woodrow Wilson did before us.

It only remains for us to see how the authors apply their ambitious plans to Iraq. By now, you will have no trouble guessing what they have in mind: we must blast Saddam Hussein and all his works to smithereens and then create an Iraqi democracy out of whatever fragments of the country remain.

In making their case for an invasion of Iraq, the authors ply us with atrocity stories, lest we think mistakenly that Saddam is Father Christmas. Did they ever pause to reflect that wars and blockades kill a great many people also? These facts, one gathers, must not enter into our deliberations. To think of them, or to ask how we know that a benevolent democracy would replace Saddam, is to engage in the supreme sin: realism. Away with questions! We shall bomb Iraq into liberal democracy, as true reason and humanity demand of us. ■ MR

Away with questions! We shall bomb Iraq into liberal democracy, as true reason and humanity demand of us.

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Can Liberty Limit War?

The Nomos of the Earth in the International Law of the Jus Publicum Europaeum

CARL SCHMITT
TRANSLATED BY G.L. ULMEN
TELOS PRESS, 2003
372 PGS.

Carl Schmitt offers a fundamental criticism of a way of thinking about politics and power. If he is right, some libertarians, among many others, have fallen victim to a radically misconceived view of political action, especially as regards war. I do not think that Schmitt is right, but his profound work requires serious attention. *Nomos of the Earth*, a translation of a book first published in 1950, is the most comprehensive account of Schmitt's thought, as applied to international relations. (Professor Ulmen has included several supplementary articles by Schmitt in this translation, as well as very helpful notes.)

Schmitt identified and criticized a pattern of thought about war. It is often asserted that because war is a terrible thing, involving mass killing, it must either be done away with altogether or restricted by rigid rules of justice. Libertarians fall into this pattern. We would say that according to the nonaggression principle, the use of force is justified only in response to force, or a threat of force, directed against one's rights, as characterized by libertarian theory. The theory does not change when nations enter the scene. A state can justifiably engage in war only if another country has violated libertarian rights.

What is the matter with that? If Schmitt opposes limits to war, is he not simply expressing his own admiration for violent struggle? Notoriously, Schmitt supported the Nazis, principally during the years 1933–1936, although he had earlier opposed them. Is the profound criticism of which I have spoken simply an erudite version of fascist apologetics?

I do not think so. We can see what Schmitt has in mind by imagining how he would reply to the libertarian view sketched above. What happens if a country does not follow the dictates that libertarian theory prescribes? May other nations then take up arms against it, in an effort to "enforce the law of nature," in Locke's phrase? An example will bring home the relevance of Schmitt's question. The regime of

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Saddam Hussein has undoubtedly violated the libertarian rights of some of the residents of Iraq. May the United States then justifiably wage war against it?

Undue emphasis on rights and law, Schmitt feared, would lead to perpetual war to enforce the legal order that supposed aggressors had violated. But what then is the alternative? Must one abandon all pretense of justification for war, and fight as one pleases? Do we face a choice between abstract principles that lead to war or the outright embrace of militarism?

Schmitt thought that there was an escape from this dilemma. A group of nations could "bracket" war. The group in question would not set up a system of rules that branded as criminal those who violated them: to do so generates the problem just described. Instead, the group, recognizing that nations often engage in armed struggle, would follow concrete practices that limited the wars that did arise.

And this is no mere hypothetical. Schmitt holds that twice during the history of Europe, an order of this sort has been established. During the Middle Ages, "[t]he encompassing unity of the international law of . . . Europe was called *respublica Christiana* [Christian republic] and *populus Christianus* [Christian people]. It had definite orders and orientations. . . . The essential point is that, within the Christian sphere, wars among Christian princes were bracketed wars. They were distinguished from wars against non-Christian princes and peoples. These internal, bracketed wars did not negate the unity of the *respublica Christiana*. . . . This means that they did not abolish or negate this total order" (pp. 58–59).

As always for Schmitt, abstract rules are the enemy. In the medieval order just described, "*Peace* . . . was not a free-floating, normative, general concept, but, rather, one oriented concretely to the peace of the empire, the territorial ruler, of the church, of the city, of the castle, of the marketplace, of the local juridical assembly" (p. 59).

We now can grasp Schmitt's key thought. Since the nations that constitute the order follow concrete practices that regulate when wars take place and how they are to be conducted, they avoid the danger of constant resort to war, in pursuit of abstract principle.

Do we face a choice between abstract principles that lead to war or the outright embrace of militarism?

Schmitt devotes most of his attention in the book to the order of European nations that prevailed from the sixteenth to the twentieth centuries. Here once more the key to all mysteries is to avoid abstract rules that mandate perpetual war to enforce them.

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"The formal reference point for determining just war no longer was the church's authority in international law, but rather the *equal sovereignty of states.* . . . Any war between states, between equal sovereigns, was legitimate. Given this juridical formalization, a rationalization and humanization—a bracketing—of war was achieved for 200 years" (p. 121).

Even a reader sympathetic to Schmitt will likely consider his claim extreme. Is it not paradoxical to think that war can be limited by throwing out altogether the notion of just war? Schmitt is not deterred by the paradox and relentlessly presses his cases against "theological" attempts to establish rules for just war. "A true jurist of this transitional period [to the order of modern Europe], Gentili, formulated the battle cry. . . . *Silete theologi in munere alieno!* . . . [figuratively: Theologians should mind their own business!]" (p. 121).

Even a reader sympathetic to Schmitt will likely consider his claim extreme. Is it not paradoxical to think that war can be limited by throwing out altogether the notion of just war?

But has Schmitt correctly portrayed the historical era he discusses? Did not Francisco de Vitoria establish explicit rules not only for the conduct of war (*jus in bello*) but also for the legitimacy of engaging in war (*jus ad bellum*)?

Schmitt stands ready with his counter. Vitoria did not formulate abstract rules intended to govern all nations. Rather, he wrote for a concrete political order, governed by Christianity. Vitoria did not accept the modern assumption that at most one side in a war can be acting with justice. The opponent on this view counts as a criminal rather than an equal sovereign. "For this reason alone, the modern distinction between just and unjust war lacks any relation to medieval scholastic doctrine and to Vitoria" (p. 122).

Nomos of the Earth follows many byways, as Schmitt again and again manifests his extraordinary learning; and one of these is relevant here. Schmitt ascribes the common view that Vitoria was an advocate of modern just-war theory to a campaign of historical propaganda, led by jurists who wanted to make aggressive war a criminal offense. "James Brown Scott, the world-renowned American jurist . . . Secretary of the Carnegie Endowment for International Peace . . . dedicated himself to becoming the official exponent of Vitoria's fame. Andrew Carnegie, in his December 14, 1910, letter establishing the Endowment, characterized war as essentially criminal . . . of

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course, without citing any theologians. Scott, however, found Spanish theologians to be a great resource" (pp. 118–19).

One must acknowledge the strength of Schmitt's case. The pursuit of abstract rules can indeed result in "perpetual war for perpetual peace." But I venture to suggest that Schmitt goes too far. If all attempts to assess the justice of wars by sovereign states are dismissed as theological and abstract, have we not abandoned altogether the cause of peaceful relations among states? Schmitt asserts that the "First World War began in August 1914 as a European state war in the old style.

Has the author located a fatal flaw in the libertarian view?

The warring powers mutually considered themselves to be equally legitimate and sovereign states. . . . *Aggression* was not yet a concept of traditional European international law" (p. 259). If he is right, does not the traditional European state-system have a good deal to answer for? The old order, it appears, was capable of producing a war of appalling death and destruction.

World War I threatens Schmitt's edifice, but it does not destroy it. He is in his element with a brilliant analysis of the treaties and diplomacy of post-World War I Europe. The League of Nations, in particular, arouses Schmitt's fury. It exemplified the sort of pernicious abstraction that threatened to unleash continual violence. "In Geneva, however, there was much talk about the proscription and abolition of war, but none about a spatial bracketing of war. On the contrary, the destruction of neutrality led to the spatial chaos of a global world war and to the dissolution of 'peace' into ideological demands for intervention lacking any spatial concreteness or structure . . . the vigorous attempt to make aggression a crime in international law . . . came to naught" (p. 246).

Schmitt points out that the victorious powers after World War I sought to charge Germany with the crime of aggression. No longer was war an accepted measure that a sovereign state might undertake; now, if waged aggressively, it was a crime. If so, nations could not with propriety remain neutral. An attempt to do so would be the equivalent of someone within a state declaring his neutrality between a criminal and the police. The effort to criminalize war would thus lead to its extension.

How should libertarians respond to Schmitt's criticism of abstractions? Has he located a fatal flaw in the libertarian view? If we think that force is justified only in response to a violation of libertarian rights, we seem trapped by Schmitt's argument. Will not libertarians be tempted to view aggressor

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nations as criminals? If so, is libertarianism another version of perpetual war for perpetual peace?

I think that libertarians have an escape. If one thinks that force is justifiable only as a response to a violation of libertarian rights, it does not at all follow that one is committed to intervening whenever such a violation takes place. A libertarian is under no necessity to enforce the law of nature, even if he has a Lockean right to do so. The libertarian can reject the punishment of nations that "aggress," for precisely the reasons that Schmitt has so ably set forward. Here, for once, an abstract principle need not lead to the consequences that Schmitt feared.

Murray Rothbard adopted exactly the position I have just mentioned. In spite of his firm commitment to the nonaggression principle, his criticisms of collective security and interventionism parallel those of Schmitt. In *For a New Liberty*, e.g., he writes: "But 'aggression' only makes sense on the individual Smith-Jones level, as does the very term 'police action.' These terms make no sense whatever on an inter-State level."

If libertarianism of this kind escapes Schmitt's strictures, a further question arises: is it preferable to the system of European order that Schmitt has described? An advantage of the libertarian view is that it avoids the drastic step of viewing all wars undertaken by sovereign states as just wars. Instead, it strictly limits the occasions on which a state may undertake military action. The reason that the abstract principles that Schmitt condemns led to war lies in the content of these principles, not in their abstract character. If we do not want war, let us adopt principles that curtail it. Schmitt mocks Charles Journet, who contended that "if the definition of just war provided by Saint Thomas Aquinas . . . is taken seriously, one probably can count the number of actual and *completely just wars* on one's fingers," (p. 58, n. 4) but libertarians who follow Rothbard will applaud him.[1] ■ MR

The Limits of Grace

"Politics: Socialism by Grace," in *Being Reconciled: Ontology and Pardon*

JOHN MILBANK
ROUTLEDGE, 2003, PP. 162–86

I expected better of John Milbank. He is a theologian of great distinction, the leading theorist of the influential Radical Orthodoxy movement. Would not so profound a

[1]The book by Cardinal Journet that Schmitt cites is available in English translation (Charles Journet, *The Church of the Word Incarnate*, vol. 1 [Kansas City: Sheed and Ward, 1955]). The relevant discussion, which I highly recommend, is on pp. 304–30.

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thinker offer us illuminating ideas on economics? Alas, it was not to be; and Mises's skepticism about the pronouncements of theologians on economic affairs once more finds confirmation.

In *Human Action*, Mises locates the key fallacy in the arguments of theologians who demand that the market be replaced by a more "moral" alternative: "In urging people to listen to the voice of their conscience and to substitute considerations of public welfare for those of private profit, one does not create a working and satisfactory social order. It is not enough to tell a man not to buy on the cheapest market and not to sell on the dearest market. . . . One must establish unambiguous rules for the guidance of conduct in each concrete situation" (*Human Action*, Scholar's Edition, [Mises Institute, 1998], p. 721).

Milbank perfectly exemplifies the pattern that Mises has set forward. He claims that capitalism disrupted the lives of people living peacefully in communities. Early nineteenth-century socialism was in essence a religious movement that aimed to restore the lost values of these communities: Socialism was "an originally mainly Christian concept, arising first in France and Britain and then Germany . . . it was concerned with re-establishing, albeit in a more egalitarian mode, bonds of fraternity and solidarity which transcended a mere formalistic respect for the freedom and happiness of the other person, and was grounded in a shared vision of the substantive Good which the first socialists often assumed would be a religious one" (pp. 162–63).

Here a question arises. Suppose you want to form a community of just the kind Milbank describes. Why should you oppose capitalism? Does not a system of free exchange of goods, founded on individual property rights, permit people to form whatever communities they wish?

Milbank fails entirely to grasp this point. He defines capitalism as an abstract system, inimical to respect for the value of persons and their concrete activities: "[T]he untrammeled free market . . . is clearly an expression of an Enlightenment commitment to the fully universal, the clearly comprehensible and the exhaustively justifiable, since only an empty consistency is able to meet these criteria" (p. 163).

Mises's skepticism about the pronouncements of theologians on economic affairs once more finds confirmation.

Where does Milbank get such nonsense? Capitalism does depend on the rule of law, which is indeed formalistic and abstract; but how does this in any

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way require that all activities of people living under the rule of law be likewise abstract? Quite the contrary, just the fact that the legal system leaves people largely to their own devices permits them to establish communities along the lines they wish.

One suspects that this for Milbank is just the problem. In his preferred plan, people are not free to do as they like: "Thus every member of a group of producers or retailers should first be initiated into a certain *mystique* of his calling. . . . No one not in some way initiated and trained after this fashion would be allowed to operate in business or production" (pp. 185–86).

Milbank wants a certain kind of community, but he does not trust people to live voluntarily within the guidelines he favors.

Milbank thus wants a certain kind of community, but he does not trust people to live voluntarily within the guidelines he favors. Instead, those who might—what a thought!—wish to pursue profit without regard to *mystique* must be forcibly prevented from doing so.

But suppose that we grant Milbank all the coercive powers he wants. He has still failed to address Mises's point: How exactly would his system set prices? Our author fails to grasp the magnitude of the problem that confronts him.

He appeals to a phenomenon found in many primitive societies: gifts play a major role in economic life. Rather than exchange apples for oranges, someone in possession of apples will give them to another. In doing so, he will expect to get a return gift—but what he will receive is unspecified.

If you are a prisoner of abstract, Enlightenment reason, you may wonder why Milbank likes this system. Does it not render life drastically uncertain? You do not know whether you will receive oranges if you give up apples; instead, you must surrender your possessions and hope for the best.

Milbank finds in this odd approach an escape from market impersonality: "Hence for these [primitive] societies, a thing exchanged is not a commodity, but a gift; and it is not alienated from the giver but expresses his personality, so that the giver is in the gift, he goes with the gift. Precisely for this reason a return on the gift is always due to the giver, unlike our modern 'free gift'" (p. 167).

Better "personality" of this sort than the assurance you will get in trade what you want. I suspect that few will share Milbank's preference; but this is not to the point here. Rather, to

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reiterate, Milbank needs to answer Mises's question; how would his economy of reciprocal gifts set prices? Without prices, his system would collapse into chaos. It is no coincidence that only primitive societies operate through gifts rather than through "abstract" exchange.

At one place Milbank comes close to recognizing the issue at stake. He is aware that central state planning will not work: "Hayek was right about this," he informs us (p. 185). But he fails to see that the calculation argument applies to the syndicalist measures he favors as well as to centralized socialism. He nowhere realizes the vital necessity for prices. Our author is a scholar of great learning, but he needs to read Mises and Rothbard as well as Catherine Pickstock and Georges Bataille. ■ MR

At one place Milbank comes close to recognizing the issue at stake. He is aware that central state planning will not work.

Morality and its Opposite

After The Terror

TED HONDERICH
EDINBURGH UNIVERSITY PRESS, 2002
VII + 160 PGS.

As all readers of *The Mises Review* know, I always endeavor to to avoid saying something bad about a book. But I cannot forbear from stating that Professor Honderich's book is a cheap and tawdry affair. Honderich has for many years peddled an implausible view of morality, that he terms, with becoming modesty, the morality of humanity. His system rests on a peculiar equation, so far as morality is concerned, of acts and omissions.

To the obvious criticisms of his system, Honderich has no reply; but this has not stopped him from repeating his views, in numerous books and articles, again and again. Seldom in philosophy has so erroneous a position been reiterated with so little attention to objections.

Even if what I have just said is right, this hardly justifies the severe strictures directed against this book in my initial sally. Honderich may be obdurate, but what is cheap and tawdry about continual repetition? The answer, in my view, is this. He has used the sad events of September 11 as an excuse to dress up his warmed-over position as a newly

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relevant approach to present problems. In fact, his theory gives us little guidance on the morality of terrorism; and what little he has to say about terrorism is ethically repellent.

In order for readers to get a taste of Honderich's methods of argument, let us begin with his criticism of libertarianism. He asks us to imagine a perfectly just society, constituted according to libertarian principles. Is it not possible that there exist starving people in such a society? If so, then "in this perfectly just society they have no claim to food, no moral right to it. No one and nothing does wrong in letting them starve to death. There is no obligation in this society, on the state or anything else, to save them from starving to death. It is not true of anyone that he or she ought to have helped them. This is vicious" (p. 44).

It is hardly necessary to say that Honderich's remarks are a travesty of the facts. To say that someone has a right to food is to say that he, or the state acting on his behalf, may use force to compel others to provide him with food. It is this that libertarians oppose. But their position is perfectly consistent with holding that people have very strict moral obligations to help the starving.

True enough, libertarianism leaves open the question of whether people have such obligations. As Rothbard again and again insisted, libertarianism is strictly confined to the political realm: it tells us when force may justifiably be used.

Honderich, one is pleased to note, shows some familiarity with this response, but he distorts it. He states: "In order to contend that libertarianism is a possible shaping of our natural morality, it may have added to it that there is room in the just society as conceived for charity . . . the contemplated charity in libertarianism is no significant recommendation, being cheap and optional, these being its real recommendations" (p. 44). Perhaps in Honderich's world, whatever is immune from state violence ranks as unimportant. But, to those accustomed to a more normal idiom than his, "morally optional" and "immune from state compulsion" are not synonyms.

It is hardly necessary to say that Honderich's remarks are a travesty of the facts.

In his response to the libertarian, Honderich reveals his near total lack of knowledge of his intended target; and his comments on capitalism are no better. Contrary to its advocates, capitalism cannot be the most efficient economic system. In this system, people earn large profits. Surely profits constitute waste: would not a system without them be to that extent more efficient than capitalism? "If there are two ways of getting some valuable thing, some

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large means to well-being, and the second way involves not only the costs of getting it . . . but also profits of millions or billions of dollars or pounds, then before anything else is said, the second way is patently and tremendously less efficient" (pp. 137–38). It appears never to have occurred to our author that profits arise through the alertness of entrepreneurs: they are not arbitrary additions to a sum of fixed costs.

Honderich has a quick and easy way with dissenters. He rejects moral views that hold that we have stricter obligations to some people, e.g., the members of our family, than to others. (This view is consistent with libertarianism, so long as the special obligations do not require one to violate anyone's libertarian rights.) His objection to this class of views, which he terms moralities of special relationship, is straightforward: "it is hard to avoid the idea that there is a strain of selfishness in the moralities of special obligation, most plainly in the moralities of relationship . . . they can involve a mixture of motivations, but the main one of these is looking out for yourself and people you identify with, people whose desires you share. This self-interest is different from the collaborative self-interest of ordinary morality" (p. 67).

Honderich's comment blatantly begs the question. If one assumes that we have equal obligations to everyone, whether stranger or kinsman, then of course a morality of special relationship is "selfish." But this is just the point at issue between defenders of a morality of special relationship and Honderich. His objection amounts to no more than the banal point that his opponents disagree with him. As to his identification of his own doctrine with ordinary morality, we shall see at once that his claim is the reverse of the truth.

What, then, is the unselfish position that Honderich so anxiously urges on us? He begins in a promising fashion. Is it not obvious that, other things being equal, a long life is better than a short one? Further, is it not equally apparent that a life with goods such as health and a high level of material comfort is better than a blighted, disease-ridden life?

His objection amounts to no more than the banal point that his opponents disagree with him.

Given these truths, must we not go on to confront a disturbing fact? The world is split in two groups, one far inferior to the other in length and quality of life. As an example, "[t]he worst-off tenth of the population in . . . four African countries . . . have average lifetimes of about thirty years. Thus they live for an average of something like

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fifty years less than the average of the best-off tenth in the wealthy countries" (p. 18).

The basic principle of morality at once emerges from this dire state of affairs. We must help those with bad lives to better conditions. If possible this should be done without making those with good lives worse off, but if necessary the better off must be willing to make sacrifices. "The first policy is to rescue the badly-off by means that do not significantly affect the well-being of the better-off . . . [the] second policy is transferring means from the better-off that do significantly affect their well-being—without making them badly off. Real redistribution. In the world as we have it, this is fundamental" (p. 54).

Honderich holds that those with good lives have caused the unfortunate position of the badly off.

The response of someone inclined to libertarianism is obvious: "It is clear," he will say to Honderich, "that you want to involve the state in the redistribution you favor. By what right do you propose to take away my property? Is it not up to me to decide how much I wish to aid those with bad lives? After all, it isn't as if I caused them to have bad lives."

Here we arrive at the most basic element of Honderich's theory: he holds that those with good lives have caused the unfortunate position of the badly off. He does not have principally in mind a Marxist narrative, according to which the wealthy have exploited the poor. Though he does not exclude this view, he intends a philosophical point that does not depend on particular theories of history.

The rich cause the poor to be badly off by omitting to give them enough of their money to allow them to lead good lives. If a rich man donated substantial funds to a poor man, he would cease to be poor. If so, then the omission to give the poor man money counts as a cause of his being poor. The common view that sharply distinguishes between acts and omissions must be rejected: omissions are just as much causes as acts are.

Honderich states the essence of his position in this way: "My not giving the $1200 to Oxfam [a British charity] which is definitely something I do . . . has the effect of some lives being lost, the same effect as the possible action of ordering your armed forces to stop the food convoys [to impoverished nations] from getting through for a while" (p. 75).

Can anything be sillier? By buying a book, I am guilty of murder. Had I spent the money on aid to the African poor, I could have saved some lives. My

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failure to do so, then, counts as murdering these people. (I hope readers do not rush to turn me over to the police. If they do, I shall be compelled to point out that by subscribing to *The Mises Review*, they also are murderers.)

Suppose, though, chastened by Honderich's argument, I decide to contribute $1,000 to aid for Bangladesh. Can I now say that, whatever my other failings, I am at least on this occasion not a murderer? Not at all. By giving money to Bangladesh relief, I am omitting to give money to relieve starvation in Africa. Honderich's peculiar view of omissions makes all of us murderers, all of the time. Not surprisingly, his view has not fared well among his fellow philosophers. As Philippa Foot among others has pointed out, an omission normally counts as a cause only in special circumstances. If a lifeguard at the beach ignores the cries of a drowning man, he bears partial responsibility for his death. It was part of his job to rescue imperiled swimmers, and he failed to do so. But someone who just happens to be present has not killed the swimmer by omitting to rescue him.

Honderich's peculiar view of omissions makes all of us murderers, all of the time.

Perhaps wisely, Honderich here offers no extended defense of his odd position. Such niceties would hardly win for him the popular audience he obviously craves. Instead, he has decided to "jazz up" his theory by showing its relevance to the events of September 11 and their aftermath. He thinks that people are correct to condemn the pilots who destroyed the World Trade Center, but most of us have got the reasons wrong.

Honderich's "morality of humanity" does not condemn mass murder as such. Faced with an act of terrorism, we must always weigh the bad effects it causes against its good results. In the present case, "[t]he killers . . . could not know that the killers of several thousand people would in due course serve the end of the principle of humanity, saving people from bad lives. They could have no such rational confidence" (p. 119). You will be relieved to find out that even if the pilots had aimed explicitly to draw attention to the plight of those leading bad lives, Honderich would still condemn their act. Again, they could not have reasonable cause to believe their murders would have good results. Honderich's morality of humanity makes us all murderers, yet refuses to condemn murder as intrinsically wrong. Honderich sneers at Hayek, "sometimes taken as a part-time philosopher" (p. 134), for

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daring to write on philosophical topics; but this experienced professional has given us a farrago of nonsense. ■ MR

The Secret Locke

Launching Liberalism: On Lockean Political Philosophy

MICHAEL P. ZUCKERT
UNIVERSITY PRESS OF KANSAS, 2002
XI + 375 PGS.

Professor Zuckert has taken on a task that not even his outstanding scholarly and philosophical abilities enable him to accomplish. He endeavors to defend Leo Strauss's contention that Locke, though a professed Christian, insinuated into his work a skeptical message for the few careful readers he hoped to find. And this is not merely a question of interest to biographers of Locke. Locke's secret atheism radically affects our understanding of his political theory.

In spite of his frequent citations of "the judicious Hooker," Locke was not in Strauss's interpretation a Christian natural law thinker. In fact, he was a Hobbesian; human rights do not reflect God's dictates but arise from the struggle for self-preservation.

Zuckert is not an altogether faithful follower of his mentor Strauss. He thinks that Strauss pushes his Hobbesian thesis too far: "I [Zuckert] agree with Strauss on Locke's manner of writing, but not on his identification of Locke as, in fundamental ways, a Hobbesian" (p. 3). Locke's principle of self-ownership allowed him a much more robust concept of rights than Hobbes possessed. Zuckert suggests that Locke's account holds up well against the theories of contemporary philosophers, including Rawls, Gewirth, and MacIntyre.

Leo Strauss famously contended that ancient and early modern political philosophers practiced "secret writing." To avow openly doctrines at variance with accepted religion would expose anyone foolhardy enough to do this to great personal danger. But "all the gods of the nations are idols" (Psalm 96:5): Strauss thought that true philosophers by the very nature of their activity brought conventional religion under criticism.

What then was a philosopher, aware of the danger of the times for those with unconventional beliefs, to do? Strauss suggested that he would

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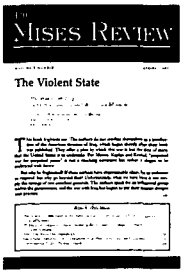

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provide hints of his true views. In particular, a philosopher would make apparently contradictory and mistaken claims. If read carefully, these "mistakes" showed that the philosopher really rejected the conventional beliefs he seemed to profess.

Zuckert rightly argues that the truth of this intriguing thesis cannot be decided on an *a priori* basis. We must proceed case-by-case, examining the alleged mistakes and contradictions that indicate a hidden meaning at odds with the apparent main thesis of the text. Zuckert gives us a number of examples designed to support an esoteric reading of Locke, but these for the most part strike me as unpersuasive.

Locke appears to denounce philosophers who write deceptively and unclearly. But Zuckert misrepresents what Locke is saying.

According to Zuckert, Locke hinted at his esotericism in a place where one would least expect it. In the *Essay Concerning Human Understanding*, Locke appears to denounce philosophers who write deceptively and unclearly: "[T]here were philosophers found, who had learning enough to prove, that snow was black; i.e., to prove, that white was black. Whereby they had the advantage to destroy the instruments and means of discourse, conversation, instruction, and society" (p. 122, quoting Locke).

Although Locke here seems to denounce deceptive language by philosophers, his real meaning is to show that he himself is a master of disguise. "Those philosophers who proved that snow was black and thus may have harmed society thereby, at least still argue, as did the 'unlearned men,' that snow had a color; they did not go so far as did John Locke, who proved not that snow is black but that it had no color at all. Locke's philosophical position is the far more radical break with the commonsense understanding" (p. 123).

Zuckert's argument, then, is this: Locke condemns philosophers for writing in a devious fashion. But he himself holds a position even more contrary to common sense than the one he imputes to them. Locke then actually supports devious language; otherwise, he condemns himself.

But Zuckert misrepresents what Locke is saying. Locke holds that phenomenal colors are ideas in the mind: what is present in objects is the power to produce these ideas in us. This account of color in no way requires us to deny the evidence of our senses. Objects, on Locke's view, look just the same as they always have. Locke's view of color in no way threatens the ordinary meaning of discourse, unlike the

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claim that our senses deceive us. Contrary to anything Zuckert has shown, the passage from Locke does not refer to himself. Why not then take his condemnation of deceptive philosophers as sincere?

Zuckert is no more successful when he considers specific theological doctrines that Locke professes. Locke cannot genuinely believe in God as the source of natural law, our author contends: "Locke made central to his proof [of God's existence] the following step: the human race cannot be self-created and thus must be created by a God. That conclusion follows, Locke said, from a consideration of the human condition: 'If man were creator of himself . . . he would also have granted himself an eternal duration for his existence. . . . For it is impossible to imagine anything so hostile and inimical to itself, which, though it could grant itself existence, would not at the same time preserve it.' But what of another being who had the power to grant humanity existence—is it not the same act of hostility to grant humanity existence and 'not at the same time preserve it'? . . . If there is a creating God, he is hostile to humanity. But if he is hostile to humanity, then his will is neither obligatory to nor the source for the content of the good for humanity" (p. 190).

Once more Zuckert has failed to grasp Locke's point. Locke here relies on a metaphysical principle, famously defended by Spinoza: every being endeavors to preserve itself in existence. A being with creative powers that denied itself immortality would then display hostility toward itself. Not so a being who created some other entity. No metaphysical principle requires one to preserve in being whatever one creates. If God made us mortal, he does not thereby manifest hostility toward us.

Does not Zuckert's argument fail on another ground? Human beings die; but does not Locke believe that God has given humans immortal souls? In what way, then, can God be deemed hostile to humanity? We here arrive at the central point of Strauss's and Zuckert's claim that Locke was an atheist. As they see matters, Locke did not genuinely believe that humans have immortal souls. "[I]f there is a true natural law, Locke holds, the natural reason must be capable of proving the existence of the afterlife, but, Locke also explicitly says, the natural reason cannot do that. Therefore, by Locke's own criterion, there cannot be a law of nature such as he describes and seems to accept" (p. 34).

Locke cannot genuinely believe in God as the source of natural law, our author contends.

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Locke says that morality does not make sense without rewards and punishments after death. But he offers no proof of life after death. Thus, says Zuckert, Locke writes deceptively: he does not really believe that morality depends on what happens to us after we die.

Zuckert takes no notice of a simple alternative to his analysis. Locke's argument for immortal souls just is the fact, as he thinks it, that morality would make no sense without this postulate. Why must Locke come up with some proof independent of morality that we possess immortal souls? Rather his argument has this form: (1) Unless X, morality makes no sense. (2) Morality makes sense. (3) Therefore X. "X" here of course is, "Human beings have immortal souls." Locke here anticipates Kant in the *Critique of Practical Reason;* much to my surprise this has escaped Zuckert.

Further to the same issue, Strauss and Zuckert incorrectly interpret this passage from Locke as a denial that reason can prove the soul's immortality: "That the dead shall rise and live again: these and the like, being beyond the discovery of *reason*, are purely matters of *faith*, with which *reason*, has, directly, nothing to do" (p. 32, quoting Locke). This passage refers to the resurrection of the body, which in standard Christian theology is indeed viewed as a teaching of faith. It need not be read as a denial of reason's power to prove the soul immortal. Further, even if Locke did think that belief in immortality rests on faith, why does this make him an atheist?

Zuckert also endeavors to show that Locke's profession of belief in Christianity did not reflect his real views. In the *Reasonableness of Christianity*, Locke places great stress on Christ's miracles, as reported in the New Testament. "The miracles, he holds, were so numerous and so public that 'they never were, or could be, denied by any of the enemies or opposers of Christianity.' . . . Locke focuses the issue by citing the example of the Emperor Julian; even he 'never dared to deny' the miracles" (p. 161).

Zuckert also endeavors to show that Locke's profession of belief in Christianity did not reflect his real views.

Locke, according to Zuckert, conceals an anti-Christian message behind this seemingly straightforward apologetic point. "Locke continues, however, in a most curious way that entirely undermines the argument for miracles; he [Julian] dared not deny so plain a matter of fact, which, being granted, the truth of our savior's mission *unavoidably*

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follows. . . . The instance of Julian himself [who rejected Christianity] contradicts Locke's point in a way he must have meant to convey" (p. 161).

Zuckert here takes the word "unavoidably" in a wooden way. Why not take Locke to be saying that the conclusion that Christ is the savior is rationally compelling, given the truth of the miracles? In like fashion, someone who contends that the premises of a syllogism make the conclusion unavoidable means that the premises imply the conclusion. He does not suggest that no one will in fact fail to reason correctly.

I must be fair to our author: one of his arguments seems to have some weight.

I must be fair to our author: one of his arguments seems to have some weight. He notes that Locke reduces Christianity to one essential dogma: the acceptance of Jesus as the Messiah. But this is exactly the claim that Hobbes, generally taken to be an atheist, made when he professed belief in Christianity.

How decisive is this point? Does the fact that Locke agreed with Hobbes show that he too was a secret atheist and Hobbesian? Perhaps he thought that Hobbes was right about the essence of Christianity, but did not accept his atheism. No doubt this hypothesis is too simple for the convoluted mind of a Straussian, but it should not on that account be scorned.[1]

Suppose, though, that Zuckert is right: Locke was not a Christian natural law thinker. What follows for his political theory? Zuckert maintains that, detached from its Christian trappings, Locke offers an account of self-ownership that remains plausible today. Locke, our author contends, thought that "[t]he self in its very nature is posited as self-owning, a fact witnessed in our most elementary locutions—I, me, mine, to quote an old Beatles' song" (p. 195).

But the self, for Locke, is no ethereal entity. It is inevitably bound up with the body. "The self appropriates the body and makes it its own, that is to say, makes it the instrument of its intentional actions in relation to its broader purposes in life" (p. 195). But this claim is exclusive: the self, by appropriating its body, repels the claims of anyone else to that body.

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[1]The argument of course assumes that Hobbes was an atheist, a contention that has been thrown into question by, among others, A.P. Martinich, *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics* (Cambridge: Cambridge University Press, 2003); Howard Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Oxford University Press, 2000); and F.C. Hood, *The Divine Politics of Thomas Hobbes* (Clarendon Press, 1964).

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And does this not establish a basis for rights? "In the first instance this ownership has nothing moral about it; it is merely a fact of the structure of self-consciousness. Yet it has moral implications, for the 'I' necessarily is concerned with its own happiness and misery. . . . The self posits itself as a possessor of rights to life, liberty, and the pursuit of happiness. Its very claim for itself as a self contains a claim of exclusivity vis-à-vis others" (p. 196).

I cannot think that this argument succeeds. No doubt the self, as Zuckert presents it, wishes to engage unimpeded in its own activities. But why should this fact generate a moral demand on others to refrain from interfering with these activities? Zuckert's Locke has not succeeded, as our author asserts, in deriving "the 'ought' of moral inviolability" from "an 'is' (the fact of self-ownership)" (p. 194). The "rights" that Zuckert professes to establish generate no moral claims; they are mere assertions of individual power.

I have expressed skepticism about Straussian secret reading, as applied to Locke; but I should now like to hazard the claim that Zuckert's own book has an esoteric thesis. (I hasten to add that my claim is intended only as speculation.) I suspect that Zuckert is aware that his "Lockean" rights are not moral rights at all. They are mere Hobbesian claims; and, contrary to his professed difference from Strauss, Zuckert also regards Locke as a Hobbesian. He thinks that Locke's views, as he presents them, form a good basis for political action today. But he correctly sees that open advocacy of Hobbesian statism would avail him nothing. Instead, he offers us Hobbesian doctrine under a thin veil of alleged Lockean rights.[2] ■ **MR**

Rich, Not Powerful

Controversial Essays

THOMAS SOWELL
HOOVER INSTITUTION PRESS, 2002
X + 321 PGS.

It is always agreeable to be proved right. In an earlier review, I suggested that Thomas Sowell "had a genius for the striking fact and the apt analogy" (*The Mises Review*, Fall 2001, p. 24). In his new collection of essays, Sowell once more demonstrates his uncanny ability to apply basic economic principles in unexpected fashion.

One of his most valuable points develops a theme much stressed by Mises, although Sowell has apparently arrived at the insight independently. Mises often stated that capitalism is a

[2]Readers interested in Strauss should consult the review article, "Sphinx Without a Secret" by M.F. Burnyeat in *The New York Review of Books*, May 30, 1985, and the subsequent correspondence in the October 1985 issues of the same journal.

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system of mass production for the masses. A rich man casts many more "dollar votes" through his purchases than does a poor man, and critics of capitalism condemn it as for that reason unfair. What these critics overlook is that because the masses are far more numerous than the wealthy elite, their dollar votes control the main direction of production.

Sowell's thought exactly parallels Mises's contention: "Although the average rich person—by definition—has more money than other people, the non-rich often have far more wealth in the aggregate, simply because they are more numerous" (p. 215).

Our author finds an ingenious application of this fundamental fact. Rich people often wish to purchase large estates, but they confront an obstacle. On the free market, their money must compete with mass demands for low-cost housing. If they find the results of the struggle unsatisfactory, all is not lost. By judiciously designed environmental regulations, they can prevent those who wish to develop cheap housing from bidding against them.

In brief, regulation of housing for "environmental protection" hurts the poor: "In a free market with undiluted property rights, the non-rich would outbid the rich for much land and use that land in ways that would suit the circumstances of ordinary people. For example, grand estates would be broken up into smaller plots for more modest homes or used for building apartment complexes. That is what the affluent . . . strive to prevent by government-imposed restrictions on land use" (p. 215).

But if this is taken as a conclusive reason against these regulations, is not Sowell vulnerable to objection? The votes of the masses count for much, but what of future generations? Must not the state protect the earth from undue exploitation? If the rich benefit from such laws, this consequence must be borne.

Sowell would be undaunted by this objection. Elsewhere in the book, he applies his brilliant critique of enforced elitism to the environmentalist lobby.

By what right does a group of self-styled "friends of the earth" presume to impose its views on the rest of us?

By what right does a group of self-styled "friends of the earth" presume to impose its views on the rest of us? "We have grown so used to having the interests of millions of human beings sacrificed for some allegedly endangered species that we no longer stop and think about how outrageous that is. . . . What some consider to be idealism

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could more accurately be called self-exaltation. What could be more exalting than to take on the God-like role of adjudicating between animals and people? . . . who elected the green bigots to play God?" (p. 135).

Sowell's critique rests on an assumption that the environmentalist would challenge. He would answer that he does not seek to impose his subjective preferences on others; rather, he responds as well as he can to the objective good of environmental preservation. Nowhere in his work, so far as I can find, does Sowell directly address theories that claim objective justification for interference with the free market: he is so out of sympathy with these views that he answers them with a Nietzchean unmasking of values. But unless these theorists can make good their ambitious claims to knowledge of the objective good, his criticism of them stands.

Sowell raises a similar point against those, vastly influential in contemporary political philosophy, who presume to indict the market for undue rewards to the lucky, and penalties to the unlucky. Is it not unfair, critics of the market such as John Rawls allege, that one person should have vastly more wealth than another just because he has the luck to be the child of rich parents?

To this, Sowell has a simple retort: "The question is not what anybody deserves. The question is who is to take on the God-like role of deciding what anyone else deserves. You can talk about 'social justice' all you want. But what death taxes boil down to is letting politicians take money from widows and orphans to pay for goodies that they will hand out to others, in order to buy votes to get reelected. That is not social justice or any other kind of justice" (p. 50).[1]

I was about to be unjust to Sowell. I was going to say that he here assumes that theories that endeavor to correct the market reflect the arbitrary preferences of their advocates. In so assuming, he dismisses without consideration the arguments of philosophers such as Rawls who claim that their theories are true. But Sowell may have in mind a deeper point. Even if it really is unfair that some are luckier than others, it is presumptuous for the state to require the "lucky" people to compensate others for their lack of good fortune. The moral obligation to compensate the poor, if any exists, is one of charity, for the "lucky" themselves to assess. (Of course an analogous argument applies to Sowell's criticism of environmentalism.) I do not know whether I am reading too much into Sowell in imputing this line of thought to him. I do know, though, that this book contains an abundance of wisdom on a large number of economic issues. ■ MR

[1]Sowell interjects an observation that makes us see the problem of luck in a new light: "But we are all huge beneficiaries of good fortune we do not deserve. By what merit do we deserve to be living more than twice as long as the cave man and in greater safety, comfort, health and prosperity?" (p. 50). I have banished this point to a footnote, as I am unsure of its direct bearing on theories of social justice.

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